

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARIANNE ANNISZKIEWICZ,

Plaintiff,

v.

Index: 20-cv-6629 (FPG) (MWP)

THE CITY OF ROCHESTER, a Municipal Entity, POLICE
OFFICER BRIAN CALA, SERGEANT JENNIFER TRENTON,

Defendants.

Deposition Upon Oral Examination of:

Officer Brian Cala

Location: The Powers Building
16 West Main Street, 8th Floor
Rochester, New York 14614

Date: November 8, 2022

Time: 10:00 a.m.

Reported By: CHRISTINE VIGNA

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Rochester, New York 14607



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A P P E A R A N C E S

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S T I P U L A T I O N S

TUESDAY, NOVEMBER 8, 2022;

(Proceedings in the above-titled matter
commencing at 10:05 a.m.)

* * *

IT IS HEREBY STIPULATED by and between the
attorneys for the respective parties that this
deposition may be taken by the Plaintiff at this time
pursuant to notice;

IT IS FURTHER STIPULATED, that all
objections except as to the form of the questions and
responsiveness of the answers, be reserved until the
time of the trial;

IT IS FURTHER STIPULATED, that pursuant to
Federal Rules of Civil Procedure 30(e)(1) the witness
requests to review the transcript and make any
corrections to same before any Notary Public;

IT IS FURTHER STIPULATED, that if the
original deposition has not been duly signed by the
witness and returned to the attorney taking the
deposition by the time of trial or any hearing in this
cause, a certified transcript of the deposition may be
used as though it were the original;

IT IS FURTHER STIPULATED, that the
attorneys for the parties are individually responsible



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2 MS. JONES: Objection.

3 A. -- would say that based on the training
4 that we've received that you could encounter a dog in
5 one out of three residences. So 33 percent of
6 residences according to training.

7 Q. Okay. And what training are you referring
8 to?

9 A. In the PowerPoint presentation that I
10 reviewed regarding aggressive dogs.

11 Q. Okay. Before you reviewed that PowerPoint
12 training, based on your experience is that consistent?

13 MS. JONES: Objection.

14 A. I -- again, I would have no way of being
15 100 percent accurate in answering that question.

16 Q. When's the last time that you responded to
17 a residence and there was a dog present?

18 A. Probably a week ago.

19 Q. And before that?

20 A. There's dogs present pretty consistently.

21 Q. So multiple times a week would you say?

22 A. I would.

23 MS. JONES: Objection.

24 Q. More than half of the calls to residences?

25 MS. JONES: Objection.



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2 A. I -- I don't know. I can't honestly
3 answer that question. I don't know.

4 Q. Okay. In your 24 years with the Rochester
5 Police Department, have you ever heard of an officer
6 being disciplined for shooting a dog?

7 MS. JONES: Objection.

8 MR. SHIELDS: That's an improper
9 objection.

10 What's objectionable? Can you please
11 explain?

12 MS. JONES: That's not within his
13 knowledge. He doesn't work for the PSS. That's not a
14 fair question.

15 MR. SHIELDS: I asked if he had ever
16 heard. Can you please listen to my question before
17 you make an objection that is unreasonable. Because
18 I'm not going to let you just make objections
19 throughout the deposition that are completely -- you
20 need to state -- you need to state objection
21 relevance, objection outside the scope of his
22 knowledge.

23 MS. JONES: That's what I stated in the
24 past and you told me not to say that. Earlier I said
25 asked and answered and you said not to.



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2 MR. SHIELDS: You need to say objection
3 asked and answered. That's all you're allowed to say
4 when you object.

5 You can't make a speaking objection. And
6 you can't just say objection, objection, objection,
7 objection because that disrupts the flow of my
8 questioning.

9 You're not allowed to do that.

10 MS. JONES: So saying more doesn't
11 interrupt the flow of your question?

12 MR. SHIELDS: You say objection hearsay,
13 objection privileged. That's it. That's a clear and
14 concise way to state an objection.

15 Q. I'm sorry, Officer.

16 Can you please answer my question or do
17 you want me to ask it again?

18 A. I have not.

19 Q. And in your 24 years of experience with
20 the RPD, have you ever heard of an officer being
21 required to get additional training as a result of
22 shooting a dog?

23 MS. JONES: Objection.

24 A. I have not.

25 Q. And following this incident, you weren't



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2 disciplined, correct?

3 A. That is correct.

4 Q. Following this incident, you weren't
5 required to get any additional training, correct?

6 A. That's correct.

7 MS. JONES: Objection.

8 Q. Following the four prior incidents where
9 you shot dogs before this incident, you were never
10 disciplined or required to get additional training,
11 correct?

12 MS. JONES: Objection.

13 A. Yes. That's correct.

14 MS. JONES: You're asking a lot of leading
15 questions if you want to know why I'm objecting.

16 MR. SHIELDS: I can ask leading questions.
17 That's completely proper in my deposition. I'll ask
18 questions however I want to ask questions.

19 MS. JONES: I'm just letting you know why
20 I'm objecting.

21 MR. SHIELDS: You can't object to me
22 asking leading questions. They're proper questions.

23 MS. JONES: The form of the question is a
24 valid objection.

25 MR. SHIELDS: That's an invalid objection



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2 assuming that I am. It looks like I'm retreating away
3 from the dog.

4 Q. And now we're at 11:42 and 11 seconds.

5 Okay. It looks like the dog is shot at
6 this point, right?

7 A. I guess you can't see in the video.

8 Q. So you can't see in the video the dog
9 crouching at all.

10 But you can see in the video that the dog
11 had paused for a second, correct?

12 A. Correct.

13 Q. And do you think in that one second if you
14 hadn't had your gun out but something else that the
15 dog would have attacked you after it paused?

16 A. I don't -- are you implying the dog
17 attacked me because I had my gun out or if I had a
18 baton in my hand the dog wouldn't have attacked?

19 Q. You know what, that was a bad question.

20 But what I want to know is when the dog
21 paused, if you handled the situation differently at
22 that moment, do you think you could have avoided
23 shooting the dog?

24 MS. JONES: Objection.

25 A. Well, it's hard to tell what would have



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2 happened after that moment. So whether I struck the
3 dog or -- I don't know if that would have been
4 effective in ceasing the dog's aggression or -- and
5 the dog would have been shot anyway or if the dog
6 wouldn't have been shot. It's impossible to know
7 that.

8 Q. The dog wasn't charging at you, right? It
9 stopped its forward movement, right?

10 MS. JONES: Objection.

11 A. In that one second which is not when I
12 shot the dog.

13 Q. So you paused?

14 A. Correct.

15 Q. The dog paused.

16 And you believed after that that the dog
17 was going to attack you?

18 A. That's correct.

19 Q. And why did you believe that?

20 A. Because of the -- because of the dog's
21 aggression and the fact that he looked as
22 though -- the dog looked as though the dog was going
23 to lunge towards my direction.

24 Q. And have you ever been trained on how to
25 handle a situation like this where a dog is



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2 approaching you to avoid shooting the dog?

3 A. Only that you could potentially deploy
4 other options.

5 Q. Did you ever get any training on how to
6 use different body language or speak to the dog in a
7 calm manner to try to get it to stop any perceived
8 aggression?

9 A. I believe that was part of the Humane
10 Society training.

11 Q. Do you remember what they told you about
12 that?

13 A. I don't recall right now. What you are
14 alluding to sounds familiar.

15 (The following exhibit was marked for
16 identification: Number EXH 10.)

17 Q. All right. Let's put up the Humane
18 Society training and just go through that a little
19 bit. That will be Exhibit 10 for this deposition.

20 And this is entitled "Dog Bite Prevention
21 for Law Enforcement." And it's put on by the Humane
22 Society of Greater Rochester; is that right?

23 A. Yes.

24 Q. And before I start asking questions
25 specifically, do you remember when you took that



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2 training?

3 A. I don't.

4 Q. Okay. This PowerPoint is entitled "2014."
5 Do you know if it was in 20 -- in or around 2014?

6 A. I -- I believe it was prior to this
7 incident. I don't know what year it was.

8 Q. Do you remember who the instructor was at
9 the training?

10 A. No. I know that it was a Humane Society
11 officer.

12 Q. When you say "officer," are they like
13 deputized officers?

14 A. They are peace officers.

15 Q. Does that mean they can carry a gun?

16 A. Yes.

17 Q. So let's just go through slides.

18 All right. So this is the second page.
19 Reno DiDomenico, R-E-N-O, D-i-D-O-M-E-N-I-C-O, is the
20 officer on the second page.

21 Do you remember whether that might have
22 been the officer --

23 A. Yes. I believe it was.

24 Q. -- the officer that held the training?

25 I'm sorry. I was trying to make the



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2 record clear.

3 A. Yes. Yes.

4 Q. This third page is just a bunch of
5 officers with dogs.

6 The fourth page "Objectives. Know the
7 common dog encounter scenarios that lead to dog bites.
8 Give four signs or actions to perform to determine
9 whether dogs are on the property. Identify how to
10 avoid dog bites. Recognize three physical signs of
11 aggressive dogs. Be familiar with improvised tools
12 for dealing with aggressive dogs. Known techniques to
13 minimize personal injury in the event you are
14 attacked."

15 So after reading the title of the
16 PowerPoint and the objectives, is it fair to say that
17 the main focus of this training was on avoiding dog
18 bites?

19 MS. JONES: Objection.

20 A. That -- it appears to be part of it.

21 Q. If we just go back to the first page, the
22 title of the program is "Dog Bite Prevention for Law
23 Enforcement," correct?

24 A. Okay. Yes.

25 Q. And before we go through all the slides,



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2 is that what you recall the focus of the training to
3 be?

4 A. I -- I guess so. I don't...

5 Q. As opposed to something else like hey,
6 this training is about specifically dog behavior?

7 A. Right. How to avoid -- sure. How to
8 avoid being bit by a dog while in the performance of
9 your duties.

10 Q. That's the main focus of the training,
11 correct?

12 A. It appears to be based on the title.

13 Q. Thank you.

14 Okay. And is this the slide that you were
15 referring to earlier?

16 A. Yes, it was.

17 Q. Which says in slide number 5 "Officers
18 will encounter a dog in at least one of three
19 residences."

20 Now, do you remember if that is specific
21 to the County of Monroe, to the City of Rochester, to
22 the United States of America or something else?

23 A. I don't know what the context of that
24 statement is.

25 Q. Okay. And this training, do you know if



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2 this was given just for Rochester Police Department
3 Officers or were there other agencies there as well?

4 A. No. There were no other agencies there at
5 the time that I received the training. But it could
6 potentially be given to other agencies. I don't know
7 if it was or wasn't.

8 Q. Okay. So just based on this slide, we
9 don't know if that one-in-three number on slide number
10 5 is referring to specifically the City of Rochester
11 or a different geographic area, correct?

12 A. That is correct.

13 Q. Okay. So slide number 6 says "Problems
14 for Law Enforcement, Consequences of Inappropriate
15 Action." First bullet point "Unnecessary injury of
16 killing of animals who are not a threat. Risk of
17 self-inflicted injury, friendly fire, or bystander
18 injury. Negative public image of officers,
19 departments, and profession as a whole. Lawsuits and
20 legal actions."

21 Do you remember that slide from the
22 training?

23 A. Yes. I guess. This training was a long
24 time ago.

25 Q. Do you agree that those are all various



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2 problems and consequences that could happen from
3 shooting a dog?

4 A. Yes, I do.

5 Q. The seventh slide says "Officer
6 Liability." And it's a cartoon from the Simpsons with
7 a caption that says "I am a public servant so I'm not
8 permitted to use my own judgment in any way."

9 Now, do you know why that slide was
10 included? Do you remember any commentary that was
11 made about that slide?

12 A. No, I don't.

13 Q. Do you agree that you're not permitted to
14 use your own judgment in any way as a police officer?

15 A. No. I don't agree with that.

16 Q. Because, in fact, you have to do the exact
17 opposite, right, you have to use your own judgment
18 every day?

19 A. Correct.

20 Q. This slide only talks about New York State
21 law, correct?

22 A. That's what it appears to be discussing,
23 yes.

24 Q. It doesn't talk about any prohibitions
25 under the United States Constitution?



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2 A. That's correct.

3 Q. And that's slide number 8 of 51.

4 And then this slide number 9 talks about
5 the Fourth Amendment, correct?

6 A. Yes.

7 Q. And it talks about the fact that the
8 destruction of a pet can be classified as an unlawful
9 seizure, correct?

10 A. Yes.

11 Q. Do you understand that to be one of the
12 claims in this case?

13 A. Yes.

14 Q. And then slide number 10 discusses
15 immunity. Do you understand that immunity is one of
16 the defenses that you're asserting in this case?

17 A. Yes.

18 Q. And can you tell me, you know, what you
19 base that immunity defense on?

20 MS. JONES: Objection.

21 But go ahead.

22 A. The fact that in the performance of my
23 duties I was attacked by a dog and I felt that it was
24 proper to shoot it at that point.

25 Q. So you felt that your actions were



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2 reasonable under the circumstances?

3 A. That's correct.

4 Q. Based on your training and experience?

5 A. Yes.

6 Q. Well, I'm not going to ask you questions
7 about that slide because I think that's a mistake of
8 law on number 11.

9 "Individual Officer Immunity," two-prong
10 test. Have you ever learned this two-prong test about
11 immunity before other than this training?

12 A. I'm sure it's been discussed.

13 Q. So in general, it says, you know, even if
14 you violated a constitutional right, if your actions
15 were reasonable under the circumstance, you would be
16 entitled to immunity?

17 A. No.

18 Q. Well, I guess that was my legal
19 interpretation of -- so I mean, this slide
20 specifically says to be accurate "Individual Officer
21 Immunity. Officer subject to two-prong test. 1,
22 officer action violated constitutional right. 2,
23 under the circumstances, a reasonable official would
24 have known that his or her conduct violated the
25 right."



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2 Did I read that accurately?

3 A. Yes, you did.

4 Q. And do you agree that's the test that you
5 were taught as an RPD officer?

6 A. Yes.

7 Q. And then the thirteenth slide has a
8 white -- and it looks like an envelope almost with an
9 X. Do you remember whether or not there was a video
10 that might have been played?

11 A. It may have been. I don't know what that
12 could possibly be other than that.

13 Q. Do you remember watching videos
14 specifically at the training?

15 A. I don't.

16 Q. Okay. Then slide number 15, it says "Why
17 do dogs bite?" It says "Excitement/play.
18 Possession/Protection. Fear. Accidental. Attention.
19 Sick/Injured. Dangerous dog."

20 Do you remember talking about those topics
21 at the training?

22 A. Yes.

23 Q. And was it ever discussed at the training
24 that if someone -- if a dog encountered someone on the
25 property, they might be excited?



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2 A. Yes.

3 Q. And they might approach you?

4 A. Yes.

5 Q. Okay. Were you taught that -- what were
6 you taught to do if an animal appears to be excited
7 and approached you?

8 A. To attempt to put something between you
9 and the animal or attempt to back away from the
10 animal.

11 Q. Anything else?

12 A. Again, not that I recall right now.

13 Q. Okay. Did they discuss the incidents or
14 the numbers of police officers that suffer injuries
15 from interacting with dogs?

16 A. I don't recall that being a topic.

17 Q. Okay. And now we're on slide 16. And
18 that's entitled "Animal Force Continuum," correct?

19 A. Yes.

20 Q. It says "Dogs use force to protect
21 themselves or others they believe are in their pack.
22 Dogs use only as much force as necessary. Vocal
23 warning. Inhibited bite. Uninhibited bite. Lethal,"
24 right?

25 A. Yes.



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2 Q. And then it talks about the factors on
3 slide 17 that contribute to dog bites. And one of
4 those factors is training, right?

5 A. Correct.

6 Q. And do you remember what training that's
7 referring to?

8 A. I believe that's referring to the training
9 of the animal.

10 Q. Not the training of the officer?

11 A. Correct.

12 Q. Okay. And another factor is victim
13 behavior, correct?

14 A. That's correct.

15 Q. And do you remember what was discussed
16 about victim behavior at the training?

17 A. Not specifically.

18 Q. You don't remember if they said anything
19 like if you yell at the dog, it's more likely that it
20 will attack you?

21 MS. JONES: Objection.

22 A. I don't remember them saying that.

23 Q. Okay. You don't remember them saying
24 anything about how to behave in a way that might help
25 calm the animal down?



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2 A. I'm sure that was mentioned based on the
3 prior slide. I don't specifically remember that, but
4 it appears to be part of the training on the prior
5 slide.

6 Q. Where it says "vocal warning"?

7 A. Correct.

8 Q. Now, when it says "vocal warning," do you
9 think that's talking about the dog barking?

10 A. That might not be the slide that I'm
11 referring to. I thought there was something on a
12 prior slide.

13 Q. For the record, we're just scrolling up
14 through the prior slides right now.

15 A. Go forward one.

16 Q. We can keep going through them. We went
17 back to the beginning from slide 17. You didn't see
18 what you thought you were referring to?

19 A. Go to like 3 or 4.

20 Next one maybe. No. Objectives.

21 I don't see it on there. I'm sorry.

22 Q. Okay. But you reviewed this before coming
23 today, correct?

24 A. Yes.

25 Q. So maybe it's in a subsequent slide?



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2 A. It could be.

3 Q. Okay. This is back to slide 17 "Factors
4 Contributing to Dog Bites." Let's see. So we were
5 just talking about victim behavior, right?

6 A. Correct.

7 Q. Let's keep going forward. "Dog postures."
8 Do you remember discussing this slide and the
9 different dog postures at the training?

10 A. Yes.

11 Q. And what do you remember learning about at
12 the training?

13 A. The slide was presented. And I just
14 remember going over each picture as a general
15 reference for different dog postures as it relates
16 to -- and how to interpret what the dog means when the
17 dog does -- is in different postures.

18 Q. And when you go to someone's house and you
19 encounter a dog, is there one posture over another
20 that the dog usually takes when it sees you?

21 A. A lot of times they're in the alert
22 posture.

23 Q. Okay. Because there's a stranger entering
24 the property?

25 A. That's correct. I'm assuming.



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2 Q. And the next slide is "Overall Posture"?

3 A. Yes.

4 Q. And then slide 20 is blacked out. Do you
5 think that might have been a video there?

6 A. Potentially.

7 Q. And then "Signals of Increasing
8 Discomfort/Stress/Tension. Warning Signs."

9 Do you remember anything about that slide?

10 A. Not in particular.

11 Q. It says "Aggression. Stop what you are
12 doing. Growling. Snarling. Showing teeth. Lunging.
13 Snapping. Biting."

14 Do you remember anything about that slide?

15 A. Just that those are indicators of
16 aggression in a dog.

17 Q. And then the next slide is "Fear
18 Aggression. Low body. All teeth showing. Crouched,
19 hunched posture, tail tucked."

20 Do you remember that slide?

21 A. Vaguely.

22 Q. Okay. The next slide says "Fear
23 Aggression. Low body. All teeth showing. Crouched.
24 Hunched posture. Tail tucked." Which I think was the
25 same as before with just a different picture, right?



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2 A. It appears to be.

3 Q. And then the next slide says "Offensive
4 Aggression. Posture erect. Weight forward. Tail up.
5 Mouth puckered. Front teeth showing."

6 A. Yes.

7 Q. Do you remember any discussions from the
8 training about that slide?

9 A. Not in particular.

10 Q. The next slide says the same thing just
11 with another different picture of a dog, correct?

12 A. Correct.

13 Q. And then the next slide says "Things can
14 change very quickly. Dogs can give conflicting
15 signals." But then there's another
16 blacked-out-looking screen, correct?

17 A. Yes.

18 Q. Do you remember whether or not that might
19 have been a video?

20 A. I can only assume that it was.

21 Q. But you don't remember any videos that you
22 watched?

23 A. No.

24 MS. JONES: Objection.

25 Q. Okay. The next slide says "Appeasement,"



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2 correct? And that's slide 28 that we're at right now.

3 A. Yes.

4 Q. Okay. And there's another picture of a
5 dog showing -- with a little commentary with written
6 words about indicators of appeasement?

7 A. Yes.

8 Q. And then the next one is
9 "Appeasement/Fear." It's another picture of a dog
10 with words and the dog looks like it's laying on its
11 back?

12 A. That's correct.

13 Q. And then slide 30 is "Stressed, Anxious,
14 Fearful." And it's a dog pictured again with various
15 commentary; is that right?

16 A. Yes, it is.

17 Q. Do you remember any specific discussions
18 about this slide from the training?

19 A. I can't, no.

20 Q. Slide 30 appears to be another video
21 that's not attached to the PDF; is that right?

22 A. Potentially.

23 Q. The title of that is "Fear, Active
24 Appeasement"?

25 A. Yes.



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2 Q. The next one is titled "Fearful, Defensive
3 Threat." And it's another blacked-out slide; is that
4 right?

5 A. Yes.

6 Q. And then the next slide, 33, is entitled
7 "Stress Signals, Lip Licking." And there's some
8 pictures of dogs licking their lips?

9 A. Correct.

10 Q. The next one is "Stress Signals, mouth
11 open and relaxed to closed and tense." And two
12 pictures of different dogs, correct?

13 A. Yes.

14 Q. And then 35 "Stress Signals, head turns,
15 diverting gaze. Whale eye. Showing the whites of
16 their eyes."

17 Do you remember any specific discussions
18 about that slide?

19 A. No.

20 Q. Do you remember anything about the
21 discussion about show -- what it would show -- what
22 the whale eye means, showing the white of their eyes?

23 A. I don't.

24 Q. "Other Stress Signals" on slide 36.
25 "Shake off. Scratch. Yawning. Excessively sniffing



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2 the ground."

3 Do you remember any discussions about that
4 slide?

5 A. I can't say that I do.

6 MS. JONES: Can we take a break now that
7 we're done with stress signals?

8 MR. SHIELDS: Yeah. That works for me.
9 And it's 12 o'clock. We're probably going to go for a
10 little while longer. I don't know if you want to get
11 some food or what you want to do.

12 I'm fine to keep going.

13 THE WITNESS: I'm good to go through.

14 MS. JONES: Okay. Let me just step
15 outside for a second.

16 (The proceeding recessed at 12:00 p.m.)

17 (The proceeding reconvened at 12:10 p.m.;
18 appearances as before noted.)

19 OFFICER BRIAN CALA, resumes;

20 CONTINUING EXAMINATION BY MR. SHIELDS:

21 Q. Officer, so we're back on the record now.
22 We just took a short break, right?

23 A. Correct.

24 Q. Did you have an opportunity to speak with
25 your attorney during the break?



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2 A. I did.

3 Q. Are there any answers to any questions
4 that you already gave that you want to change your
5 answer to?

6 A. No.

7 Q. Okay. Thank you.

8 So back to Exhibit 10, the Humane Society
9 training. We're on slide 37 and the title is "Do you
10 approach these two dogs the same way?" Pepper and
11 Baby, the picture of the two dogs, do you remember any
12 discussion about this slide?

13 A. I don't specifically remember any
14 discussion about it, no.

15 Q. Okay. And slide 38 is a video apparently
16 on YouTube. Do you remember watching this video on
17 YouTube?

18 A. I don't.

19 Q. In preparation for your testimony today,
20 did you click on the link and watch the video on
21 YouTube?

22 A. No, I didn't.

23 Q. Slide 39 says "Best Practices For
24 Approaching Dogs On the Job." So it looks like that's
25 an intro to the next section. So the next slide is



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2 slide 40. It says "The Signs." And there's five
3 pictures; is that right?

4 A. Yes.

5 Q. Do you remember any specific discussions
6 about this slide at the training?

7 A. No.

8 Q. Okay. It says "The Encounter" on slide
9 41. "Announce your arrival. Jiggle fence. Whistle.
10 Shake keys. Inquire about dogs before entering. Ask
11 for dog to be secured."

12 Do you remember any specific discussions
13 from the training about this slide?

14 A. I really don't. I really don't remember
15 too much about it.

16 Q. But Sergeant Trenton did jiggle the fence,
17 right?

18 A. That's correct.

19 Q. Did she do any of the other things or did
20 either of you do any of the other things?

21 A. No.

22 Q. Okay. You testified earlier that you
23 don't remember whether there was any discussion of how
24 long to wait before entering the yard after jiggling
25 the fence; is that right?



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2 A. That's correct.

3 Q. "Talk to the dog" on slide 42.

4 Communicate safely and appeasement. I'm sorry.

5 "Communicate Safety and Appeasement. If a dog
6 approaches and is non-threatening, allow him to
7 investigate you. Continue to speak to her. Do not
8 attempt to pet the dog."

9 Do you remember any discussion about that
10 slide?

11 A. I don't.

12 Q. Okay. And then slide 43 "Talk to the dog.
13 Communicate confidence or threat. If dog is
14 displaying threatening behavior, speak in forceful
15 tone. Give commands like sit or stay. If the dog
16 continues threatening, try to appear larger. Speak in
17 low, loud voice 'back off.'"

18 Do you remember any discussions about that
19 slide?

20 A. No.

21 Q. Slide 44 "Bite Prevention Tools." It
22 lists physical repellents. "Bite stick. Baton. ASP,
23 umbrellas. Improvised, flashlight. Stick. Rolled-up
24 magazine. Clipboard. Road flare."

25 Do you remember any specific discussions



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2 of that slide?

3 A. Just -- all I remember about the -- is
4 that slides were gone over. I don't remember any
5 specific instruction.

6 Q. Okay. You don't remember anything that
7 you learned from this slide?

8 MS. JONES: Objection.

9 A. I -- I don't remember the specific
10 discussion about it.

11 Q. You remember that you went to the training
12 and that this slide was displayed?

13 A. That's correct. I do remember seeing this
14 slide.

15 Q. And then 45 is "Bite Prevention Tools."
16 And it lists chemical repellents like OC or citronella
17 spray.

18 Then it lists electronic repellents. It
19 says "Ultrasonic. Stun guns. Taser." And then it
20 says "Improvised, CO2 fire extinguisher."

21 A. Correct.

22 Q. Do you remember any specific discussion
23 about these tools listed on this slide?

24 A. Just that they were presented as tools.

25 Q. Okay. And just another question. Under



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2 electronic repellents, what would ultrasonic be? What
3 does that mean?

4 A. I don't know what that's referring to.

5 Q. And slide 46 appears to be a video that is
6 not attached, correct, or it's a blank slide?

7 A. It's a blank slide. It could be a video.

8 Q. And then slide 47 says "Suggested
9 Practice. Force continuum. Respond in a calm,
10 friendly behavior. Respond with confidence or threat.
11 Use chemical repellents like OC, pepper ball. Use
12 physical repellents like baton, bite stick, fire
13 extinguisher, taser." And then "lethal force" at the
14 bottom.

15 Do you remember any specific discussion of
16 that slide?

17 A. No specific instructions, no.

18 Q. And then slide 48 "Quick Assessment." It
19 says "Questions to ask. Has dog already bitten
20 someone? Where is the dog? Where is the owner? Are
21 there bystanders? How is the dog moving? What is the
22 dog's body language? How is dog responding to your
23 commands? What defenses do you have available? Do I
24 have an escape option?"

25 Do you remember any specific discussions



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2 of that slide?

3 A. No specific, no.

4 Q. And then slide 48 -- I'm sorry. Slide 49,
5 it says "If You Are Bitten. Do not pull away, may
6 cause more injury. Move in to the bite, dog's
7 instinctual reflex is to release. If knocked down,
8 curl into a ball to protect your neck and throat. Try
9 not to scream or move."

10 Do you remember any specific discussions
11 of slide 49?

12 A. Just -- no. Just that it was presented.

13 Q. Slide 50 again says "Video." And it has
14 that same white box with an X across it, correct?

15 A. Yes.

16 Q. Okay. And then the last slide is 51. It
17 says "Questions and Discussion."

18 Do you remember any specific questions or
19 discussion from the training?

20 A. No.

21 (The following exhibit was marked for
22 identification: Number EXH 11.)

23 Q. All right. Thank you, Officer.

24 And next I want to put up what will be
25 marked as Exhibit 11. And that is -- if we go to the



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2 postures and it being discussed what those different
3 postures meant.

4 Q. Okay. Do you remember the substance of
5 those discussions?

6 A. I just remember that being part of the
7 training.

8 Q. Okay. Do you remember why that was part
9 of the training?

10 A. So to inform you as to what -- what is an
11 aggressive dog and what is not an aggressive dog.

12 Q. Before -- before that training, could you
13 identify an aggressive dog versus a non-aggressive
14 dog?

15 A. Yes. I believe so.

16 Q. Did the training help you identify
17 situations where maybe you had misidentified a dog as
18 being aggressive?

19 A. It potentially could, yes.

20 Q. Do you remember specifically after the
21 training any situations where you encountered a dog
22 and said to yourself well, actually this dog is not
23 being aggressive, I learned that in the training?

24 A. I'm sure. I have encountered dogs
25 hundreds of times since that training. So I'm sure



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2 that's a fair statement.

3 Q. Okay. So you think you learned something
4 from that training?

5 A. Yes.

6 Q. Okay. But you don't remember specifically
7 what was discussed about that slide?

8 A. I don't remember the specific
9 conversations that may or may not have taken place in
10 2014 regarding it.

11 Q. And then the next part of your answer in
12 interrogatory 3 you say "At an in-service with
13 live-fire exercises, the department simulated an
14 attacking dog as part of the exercise."

15 So my first question about that is, when
16 they say "simulated," how did they simulate the
17 attacking dog?

18 A. There was -- there was a water jug that
19 was attached to a rope. And the firearms instructor
20 would pull -- pull the rope and the -- the jug was the
21 dog.

22 Q. So the way that it was simulated, there
23 was a fast-moving --

24 A. It was a fast-moving target approaching
25 you on the ground to simulate the attacking dog.



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2 Q. Got it.

3 Just to be clear so I understand,
4 simulating a dog charging at you?

5 A. Correct.

6 Q. And you had to shoot and hit the jug as it
7 moved towards you in a rapid fashion?

8 A. Correct.

9 Q. Anything else from that in-service
10 training?

11 A. No. That was -- that's all I remembered
12 about that.

13 Q. Okay. And that in-service training with
14 the attacking dog exercise, did that involve any
15 instruction about how to use any less-than-lethal
16 force against a dog?

17 A. No.

18 Q. Did it involve any other training or
19 instructions about how to avoid shooting a dog?

20 A. No.

21 Q. So the training was just limited to
22 accurately firing your gun at a dog that's charging at
23 you?

24 A. Correct.

25 Q. And then the last part of your answer for



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2 interrogatory number 3 says "I will add that when I
3 was in field training, I was taught to survey an area
4 for a dog. You would look for footprints in the snow,
5 a chain, food, water bowl or something similar that
6 indicated that a dog resides there. I have relayed
7 the same instruction each time I was a field training
8 officer."

9 Okay. So is that everything that you
10 listed there about surveying an area for a dog or is
11 there more that you might do?

12 A. You may check -- you might check the
13 perimeter of the yard.

14 Q. Okay. Anything else?

15 A. Not that I can think of right now. Aside
16 from shaking the fence or approaching.

17 Q. So basically you're saying when you
18 approach a property, you should check for signs that
19 there might be a dog there, right?

20 A. Correct.

21 Q. And the reason you would check is so that
22 you're prepared before you enter the property, right?

23 A. Correct.

24 MS. JONES: Objection.

25 A. That's correct.



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2 Q. Okay. So were you trained to do anything
3 else when you enter a fenced-in residential property
4 to ensure the safety of dogs and people?

5 MS. JONES: Objection.

6 A. Other than announce your presence as a
7 police officer, entering -- entering either -- whether
8 a house or -- not necessarily on property, but it
9 could depend on the situation.

10 Q. But you didn't do that here, right?

11 A. No.

12 Q. I want to go back to the top to
13 interrogatory number 1.

14 Interrogatory number 1 says "Identify all
15 writings you created related to the incident including
16 notes and reports and the location where said writings
17 are stored. If copies of said writings are stored in
18 multiple locations such as both electronically or more
19 than one paper location, so state. If any writings
20 you created was destroyed, so state."

21 And your answer was "I do not remember
22 writing anything down regarding the incident."

23 Is that -- is that still your answer,
24 Officer Cala?

25 A. Yeah. I do not remember writing anything



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2 down. I know that the supervisor completes the
3 incident report. So I know that I definitely did not
4 complete an incident report. I don't remember taking
5 any notes at the time of the incident.

6 Q. Okay. You don't remember taking any
7 notes?

8 A. No.

9 Q. I'm just going to tell you -- if you want
10 to watch it, we can watch some of your body-camera
11 footage which shows that you've got a little notepad
12 and you're taking notes. I just have some questions
13 about that.

14 First, did you look for any notes from
15 your notepad when you were responding to this
16 question?

17 A. I can tell you that I don't have a notepad
18 if it's not the current notepad that I'm using. So
19 I -- I did not look for any notes.

20 Q. Okay. So you see part of the question
21 says "If any writing you created was destroyed, so
22 state"?

23 A. Right. If I remembered taking notes, I
24 would have stated that there was -- that it was
25 destroyed or whatever the case may be.



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2 But I believe what you're saying. If
3 you're saying it's on video, it's on the video. I
4 don't remember taking notes. It's not to say that I
5 didn't take notes.

6 Q. Okay. So you said that if you took notes
7 in the notepad that you had on the date of this
8 incident in 2018 that you'd no longer have it; is that
9 correct?

10 A. That's correct.

11 Q. What do you do with the notepad when
12 you're done with it?

13 A. I discard it.

14 Q. Is there any rule for the RPD that
15 requires you to maintain those notes?

16 A. We're supposed to maintain notes for cases
17 and turn them over as discovery. I do that if I make
18 an arrest in a case. I did not retain the notebook.

19 Q. Okay. So your personal practice is to
20 discard the notebook when it's completed?

21 A. Correct.

22 Q. There is no rule from the RPD or the city
23 that requires you to maintain possession of the
24 notebooks?

25 MS. JONES: Objection.



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2 I think you already asked this.

3 Q. The city provides you with those
4 notebooks, correct?

5 A. Correct.

6 Q. Do you have one on you right now?

7 A. I don't. This isn't the shirt I normally
8 wear.

9 Q. In the shirt you normally wear, where do
10 you store your notepad?

11 A. In my left pocket. I'm sorry. The
12 front -- front right pocket.

13 Q. Front right pocket underneath your name
14 tag?

15 A. Correct.

16 Q. And that's something that you carry with
17 you every day when you're on duty?

18 A. Correct.

19 Q. It's something that you use every day
20 you're on duty?

21 MS. JONES: Objection.

22 A. Not necessarily.

23 Q. Okay. Is there any requirement for the
24 information -- and by "requirement," I mean is there
25 any rule or policy of the city regarding what



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2 information you're required to write down in the
3 notepad?

4 A. No.

5 Q. When it's the end of your shift, what do
6 you do with your current notepad?

7 A. I typically wear a vest. My vest cover
8 that retains my bulletproof vest, it stays in that
9 vest cover.

10 Q. It's like in your locker or something?

11 A. Correct.

12 Q. When you say -- going back to your prior
13 answer about if you make an arrest and you have to
14 save those notes related to that incident, what do you
15 do?

16 A. I rip them out of the notebook and include
17 them with the package that goes to the district
18 attorney's office.

19 Q. So the small little page itself that would
20 be in the notebook would go to the DA?

21 A. Correct.

22 Q. How long do those little notebooks usually
23 last you before you fill them up?

24 A. It depends. I don't know.

25 Q. Do other officers, to your knowledge, have



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2 different practices from you? Do they maintain their
3 notebooks like in their locker or anything?

4 MS. JONES: Objection. Hypothetical.

5 A. I've known people that keep them and I've
6 known people that haven't kept them.

7 Q. So different people have different
8 practices. And that's allowed by the RPD rules and
9 regulations, right?

10 MS. JONES: Objection.

11 A. I don't -- I don't know.

12 Q. I mean, you testified that different
13 people do different things, right?

14 A. Correct.

15 Q. And is your answer then that you don't
16 know what the rules and regulations of the RPD require
17 regarding maintaining those notebooks?

18 MS. JONES: Objection.

19 A. No. It's not my testimony.

20 Q. Okay. I'm sorry. I just want to make
21 sure I understand.

22 The RPD does not require you to maintain
23 them?

24 A. No. They do.

25 Q. The RPD requires that you maintain all of



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2 your notebooks?

3 A. Yes.

4 Q. So if you throw out your notebooks, then
5 that's a violation of the RPD's policies?

6 A. That's correct.

7 Q. So you should have been able to produce
8 your notebook in this case, but you can't because you
9 threw it out?

10 A. That's right.

11 Q. And that's a violation of the RPD's
12 policies?

13 A. That's right.

14 Q. Do you still do that with all of your
15 notebooks?

16 A. I'm not on the road currently.

17 Q. And when you were on the road, were you
18 still throwing out the notebooks?

19 A. As of?

20 Q. The last time that you were on the road.

21 A. No. I have my current notebook.

22 Q. So you're saying that the RPD's policies
23 only require you to maintain your current notebook?

24 MS. JONES: Objection.

25 A. No.



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2 Q. All right. I think I understand your
3 answer. But to make sure I understand, you're
4 supposed to maintain all of them?

5 MS. JONES: Is this a joke?

6 MR. SHIELDS: Absolutely not a joke.

7 MS. JONES: I think you asked this like 20
8 times.

9 MR. SHIELDS: I'm still literally confused
10 or I wouldn't be continuing to ask.

11 MS. JONES: This is hilarious.

12 Q. Can I -- this is probably going to be the
13 same exact thing I just asked. Just so I'm clear --

14 MS. JONES: Really?

15 Q. -- you're supposed to maintain copies of
16 the notebooks. And if you don't, then -- and you
17 throw them out, that's a violation of RPD's policies?

18 A. My understanding --

19 MS. JONES: Objection.

20 Asked and answered. You can answer.

21 A. -- my understanding is that you should
22 retain them for two years.

23 Q. Okay. Do you know where the two-year time
24 limit came from?

25 A. I don't. I believe it's in the general



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2 orders somewhere, but I'm not sure.

3 Q. All right. And if this lawsuit was filed
4 within two years of this incident, then you should
5 have had -- you should have maintained and found that
6 notebook still, right?

7 A. Yes.

8 Q. All right. Thank you.

9 So let's move on to interrogatory number 2
10 which says "Describe every instance where you
11 discharged a firearm during the line of duty including
12 the date, the intended target, a person versus a dog
13 or something else, your assignment at the time, the
14 weapon discharged, whether the discharge was found to
15 have been justified and/or whether the discharge was
16 found to have violated any departmental policy."

17 So first let's talk about the dogs.

18 So your answer was "I have discharged my
19 firearm five times in incidents involving dogs." So
20 before we read the rest of it, that's four times
21 before this incident and then the fifth would be this
22 incident; is that -- is that right?

23 A. It is.

24 Q. Okay. So then the next paragraph of your
25 answer says "Two involved vicious dogs that were loose



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2 and chasing people on Mason Street. Both times the
3 dog ended up coming at me and I discharged my firearm
4 at the dog." So questions about that first.

5 So these are two separate incidents?

6 A. Yes.

7 Q. Okay. Tell me everything that you
8 remember about the first incident.

9 A. We're going back 20 years, so I don't -- I
10 responded to a call for dogs -- two dogs chasing
11 people on Mason Street. I responded there and I was
12 in the area looking for potential victims. And one of
13 the dogs came out of a driveway and charged at me.
14 And I fired one round at the dog killing the dog.

15 Q. Do you remember the date?

16 A. I don't. It's -- like I said, this
17 was -- this was at least 20 years ago.

18 Q. Okay. So you were a newer officer at the
19 time?

20 A. Yes.

21 Q. About how many years on the job were you?

22 MS. JONES: Objection.

23 A. I -- I really don't recall the date of the
24 incident.

25 Q. Before or after 911?



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2 A. Before.

3 Q. Do you remember what kind of dog it was?

4 A. Pit Bull.

5 Q. You just fired one round?

6 A. Correct.

7 Q. Do you remember where you shot the dog on
8 its body?

9 A. I don't.

10 Q. And do you know if the dog died?

11 A. Yes, it did.

12 Q. Did you suffer any physical injuries?

13 A. No.

14 Q. Do you know if the dog had injured anyone
15 else?

16 A. I don't believe so.

17 Q. And other than the incident occurring on
18 Mason Street, do you remember anything else about the
19 location or the address?

20 A. No.

21 Q. After the incident, were there any
22 internal investigations?

23 A. Yes.

24 Q. Is that standard or something else?

25 A. Standard.



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2 Q. And do you know the outcome of that
3 investigation?

4 A. I was found exonerated.

5 Q. Did they provide you with any paperwork
6 that said exonerated?

7 A. Yes.

8 Q. That was conducted by PSS?

9 A. Correct.

10 Q. And would that be in your personnel file,
11 do you know?

12 A. It should be, yes.

13 Q. Did you have to write any reports or
14 anything related to that incident?

15 A. I -- I believe I -- there was -- there was
16 a point in time when it changed from the officer
17 writing the report for a dog shot to a supervisor
18 writing the report. So I can't tell you 100 percent.
19 I believe I may have written a report for that one.

20 Q. As part of the PSS investigation, did you
21 have to give any testimony?

22 A. Not in that case, no.

23 Q. Okay. Anything else that you remember
24 about that first incident on Mason Street?

25 A. No.



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2 Q. Tell me everything you remember about the
3 second incident on Mason Street.

4 A. It was a similar call, a dog loose in the
5 neighborhood chasing people. I responded. And it was
6 a similar situation. I got out of my car and was
7 attempting to identify who the caller was so I could
8 speak to the caller. At which point, I was approached
9 aggressively by a German Shepherd and fired two
10 rounds -- I'm sorry -- fired four rounds at the dog
11 striking it twice.

12 Q. Do you remember the date of the incident?

13 A. I don't.

14 Q. But it was after the first one?

15 A. It was after the first one.

16 Q. Was it before or after 911?

17 A. It was before.

18 Q. So in your first three years on the job,
19 you shot two dogs at least?

20 MS. JONES: Objection.

21 A. That's correct.

22 Q. Other than saying it was on Mason Street,
23 do you remember anything about the address or the
24 location?

25 A. It was at an intersection of -- it was at



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2 the intersection of Tacoma Street.

3 Q. And when you shot the dog, were you in the
4 street or something else?

5 A. I was in the street.

6 Q. And going back to the first incident, were
7 you in the street or something else?

8 A. I was in the street.

9 Q. And did that second dog die?

10 A. Yes.

11 Q. Okay. Were you injured in the second
12 incident?

13 A. No.

14 Q. Was anyone else injured?

15 A. Not that I'm aware of.

16 Q. And did PSS investigate that incident?

17 A. Yes.

18 Q. And what was the outcome of that
19 investigation?

20 A. The same as the first.

21 Q. And did you have to testify in that PSS
22 investigation?

23 A. No.

24 Q. And do you remember if you wrote any
25 reports for that investigation or that incident?



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2 A. I don't. I would imagine that I may have
3 at that period of time, but I don't remember 100
4 percent.

5 Q. Do you remember any other officers that
6 might have witnessed that incident?

7 A. Sergeant Beth Laird.

8 Q. L-A-I-R-D?

9 A. Correct.

10 Q. Is Sergeant Laird still with the
11 department?

12 A. Yes.

13 Q. And same question for the first incident,
14 any officers that witnessed the first incident?

15 A. No.

16 Q. Anyone other than Sergeant Laird that
17 witnessed the second incident?

18 A. No.

19 Q. Anything else that you remember about that
20 second incident?

21 A. No.

22 Q. Okay. Now, according to your
23 interrogatory response, you say -- the third incident
24 says "Another incident occurred on Elser Terrace off
25 Maple Street. It was a loose dog call. An individual



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2 was trapped in their car because every time the
3 individual tried to exit, the dog would approach. I
4 attempted to escort the person out of the car to
5 inside the location, but could not."

6 Okay. So same general questions. First,
7 can you just tell me everything that you remember
8 about that third incident?

9 A. I responded to a call on Elser Terrace
10 where a female was in her vehicle after going
11 shopping. She called and said she couldn't get out of
12 her car because there was an aggressive Pit Bull that
13 wouldn't let her out of her car.

14 The dog was circling around the car upon
15 my arrival, so we just told the woman to stay in the
16 car. At some point during that incident, the dog
17 backed off and went southbound on Elser Terrace
18 and -- and was out of site.

19 At that point, we attempted to get the
20 woman out of her car, myself -- when I say "we,"
21 myself and who is now Lieutenant Rob Wilson was on
22 scene for this. And we attempted to escort her to her
23 house so that she can get inside the house. At which
24 point the dog reappeared from a yard. We were on the
25 sidewalk and we both fired at the animal.



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2 Q. How far away was the dog when you fired at
3 the animal?

4 A. Within 21 feet.

5 Q. Okay. So it could have been closer than
6 20 feet?

7 A. Definitely could have been closer.

8 Q. What was the dog doing when you fired at
9 it?

10 A. The dog was charging towards the two of us
11 again in an aggressive manner and barking and teeth
12 exposed. And we fired multiple rounds at the dog
13 killing the dog.

14 Q. Okay. Do you remember how many rounds you
15 fired?

16 A. I want to say three.

17 Q. Do you remember how many Lieutenant Wilson
18 fired?

19 A. I don't.

20 Q. Did the dog die?

21 A. Yes.

22 Q. Do you remember the date of the incident?

23 A. I don't.

24 Q. Before or after 911?

25 A. Probably after. I could tell you it was



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2 prior to 2004.

3 Q. Okay. How do you know it was before 2004?

4 A. Because we went through a reorganization
5 in 2004. So I know that when I was working with
6 Lieutenant Wilson in that section of the police
7 department that was prior to 2004.

8 Q. What section were you working at the time?

9 A. Maple section.

10 Q. Were you injured in that incident?

11 A. No, I wasn't.

12 Q. Was anyone else injured in that incident?

13 A. No.

14 Q. And did PSS conduct an investigation?

15 A. Yes.

16 Q. And what was the conclusion?

17 A. Same as the first three.

18 Q. This is the third one.

19 A. I'm sorry. The first two then.

20 Q. Okay. Did you have to testify?

21 A. No.

22 Q. And do you remember if you wrote any
23 reports for this incident?

24 A. I don't.

25 Q. Were there any other officers that



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2 witnessed this incident other than Lieutenant Wilson?

3 A. No.

4 Q. Do you know of any other witnesses --

5 A. No.

6 Q. -- other than the woman?

7 A. I don't know. Again, I don't remember.
8 This was a long time ago. I don't remember if she was
9 listed as a witness or if she ran in the house. I
10 don't recall.

11 Q. For that interrogatory response in the
12 prior incidents that we talked about, did you review
13 any documents to answer those questions?

14 A. No, I didn't.

15 Q. So that's just from your memory?

16 A. Correct.

17 Q. And the fourth incident occurred on
18 Campbell Park or Wetmore Park?

19 A. I'm not sure which street it was.

20 Q. It says "An animal control officer called
21 for assistance while attempting to capture a loose and
22 aggressive Pit Bull. The dog came aggressively at the
23 animal control officer and then it bit him."

24 So same questions. Tell me everything you
25 remember about that incident.



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2 A. Animal control was attempting to take into
3 custody a dog that was loose in the neighborhood.
4 They called for police assistance just due to the
5 nature of -- the aggressive nature of the dog. I
6 responded. He told me to just, you know, be his cover
7 because he was having trouble taking the dog into
8 custody.

9 The dog charged at the animal control
10 officer, which he was able to deflect the dog due to
11 him having a stick. And the dog then turned its focus
12 towards me. And I fired one round at the dog striking
13 it in the foot.

14 Q. Okay. So you shot one round and it hit
15 the dog in the foot.

16 Was that immediately after the animal
17 control officer was able to deflect the dog with the
18 stick?

19 A. Yes. All one fluid motion.

20 Q. And the dog charged at the animal control
21 officer and then he deflected it with the stick?

22 A. Correct.

23 Q. So you've seen somebody use less lethal
24 force against a dog and not -- to avoid being attacked
25 by a dog?



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2 A. I have.

3 Q. In any other instance have you seen
4 somebody use less lethal force with a dog to avoid
5 being attacked?

6 A. No.

7 Q. That's the only time?

8 A. Yup.

9 Q. Okay. Do you remember the date of that
10 incident?

11 A. I don't.

12 Q. But it was after the third incident?

13 A. Correct.

14 Q. It was after the reorganization?

15 A. That's correct.

16 Q. So sometime after 2004?

17 A. Yes. That's my best estimate.

18 Q. Okay. Do you think it was before 2010?

19 MS. JONES: Objection.

20 A. I really -- I really don't know.

21 Q. So it could have been after 2010?

22 A. Yeah. It could have been after.

23 Q. It was before 2016?

24 MS. JONES: Objection.

25 He said he doesn't remember.



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2 A. I don't -- I don't remember.

3 Q. 2016 is when RPD began wearing body-worn
4 cameras.

5 A. So it was prior to body-worn cameras.

6 Q. So somewhere between 2004 and 2016?

7 A. What was the first year?

8 Q. 2004.

9 A. 2004 and 2016, correct. That's correct.

10 Q. Do you remember anything else about the
11 location or the address?

12 A. I don't even remember which street it was.
13 I want to say it was one of those two streets. I know
14 it was in that general vicinity.

15 Q. What was your assignment at the time?

16 A. I was assigned to Lake section, second
17 platoon.

18 Q. What's the time for second platoon?

19 A. 6:45 a.m. to 3 p.m.

20 Q. So it was during the day?

21 A. Correct.

22 Q. Were you injured in that incident?

23 A. No.

24 Q. Did the dog live?

25 A. Yes.



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2 Q. Was anyone else injured?

3 A. No.

4 Q. PSS did an investigation?

5 A. Correct.

6 Q. And what was the conclusion?

7 A. Exonerated.

8 Q. And did you testify?

9 A. No.

10 Q. Do you remember writing any reports?

11 A. No.

12 Q. You don't remember or you definitely
13 didn't?

14 A. I definitely didn't. Because I would say
15 by that time the procedure had changed.

16 Q. And since PSS investigated all these
17 incidents, do you think that should be in your
18 personnel file?

19 A. Yes.

20 Q. Do you know if the PSS investigations are
21 just because they were firearm discharges?

22 MS. JONES: Objection.

23 A. My understanding of it is anytime a
24 discharge takes place, that's -- there's an
25 investigation. So I don't know if that's the only



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